

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

-----X  
PIERRE AUGUSTIN,

Plaintiff,

-against-

APEX FINANCIAL MANAGEMENT,

Defendant.  
-----X

**FILED**  
IN CLERK'S OFFICE  
U.S. DISTRICT COURT E.D.N.Y.  
★ OCT 18 2016

BRV

**NOT FOR PUBLICATION**  
**MEMORANDUM & ORDER**  
14-CV-182

**AMON, United States District Judge:**

On July 25, 2016, this Court denied plaintiff Pierre Augustin's request for default and directed plaintiff to properly serve defendant Apex Financial Management within sixty (60) days pursuant to Federal Rule of Civil Procedure 4(h) and to file proof of service with the Court. (D.E. # 29.) The Court informed plaintiff that if he did not file proof of service within sixty days, the Court would dismiss the case without prejudice for failure to prosecute. (Id.) Because plaintiff has failed to file proof of service with the Court within sixty days of the previous Order, this case is hereby dismissed without prejudice for failure to prosecute pursuant to Federal Rule of Civil Procedure 41(b). The Clerk of Court is directed to close the case.

SO ORDERED.

Dated: Oct 13, 2016  
Brooklyn, New York

s/Carol Bagley Amon

  
Carol Bagley Amon  
United States District Judge